

REMARKS

This is in response to the Office Action mailed May 4, 2007, in which claims 1–3, 5–9 and 11–13 were rejected, and claims 4 and 10 were objected to as dependent upon a rejected base claim.

This Amendment deletes the section of the application with the heading “CROSS REFERENCE TO RELATED APPLICATIONS” (that is, paragraph 1 and the preceding section heading). Applicants cancel claims to priority based on the filing date of U.S. Pat. Appln. Ser. No. 10/409,385, which is now U.S. Patent No. 6,930,861. A new Application Data Sheet reflecting this change accompanies this Amendment.

The Office Action states that claims 15–21 were withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b), as being drawn to a non-elected species. (Office Action, ¶ 1.) Claim 15 was previously amended to depend from claim 1, and claims 16–21 depend from claim 15. Upon a finding that claim 1 is patentable, claims 15–21 should also be allowable.

The Office Action rejects claim 1 and claim 6 under 35 U.S.C. § 102(e) as anticipated by Kurano et al., U.S. Pat. No. 6,617,762 (Kurano). (Office Action, ¶ 4.) To anticipate a claim under 35 U.S.C. § 102, the reference must teach each and every element of the claim. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, (Fed. Cir. 1987)). Claim 1 has been amended to require “an encapsulant comprised of a self assembled monolayer with a self limiting thickness of one layer of a molecule” as disclosed in the application. (Application, ¶ 36.)

This limitation is neither taught nor suggested by Kurano. Instead, Kurano teaches a coating film of about 10 μm (10^{-5} m) thick, obtained by vapor deposition of the coating material diX[®]. (Kurano, col. 6, ll. 37–46; FIGS. 9, 10.) The coating material diX[®] is high-purity parylene. Uniglobe-Cisco, Inc. web pages, available at <http://www.uniglobe-kisco.com/> and http://www.uniglobe-kisco.com/dix_introduction.htm (2007) (enclosed). Parylene is a variety of polyxylylene polymer with a molecular dimension of approximately twenty to thirty-five angstroms

(20–35 Å, or $2.0\text{--}3.5 \times 10^{-9}$ m). Bruce J. Humphrey, Vapor Phase Consolidation of Books with the Parylene Polymers, Journal of the American Institute for Conservation, vol. 25, No. 1 at 15–29, § 5.1 (1986) (enclosed). With these dimensions, Kurano does not teach a self limiting thickness of one layer of a molecule, because a coating film thickness of 10 μm is approximately three to five thousand times greater than the thickness of a parylene molecule.

As amended, claim 1 defines over Kurano. Claim 6 depends from claim 1, and also defines over Kurano. Note that claims 2–5 and 15–21 also depend from claim 1, and so inherit the same limitation. Moreover, claim 7 has also been amended to require an encapsulant comprised of a self assembled monolayer with a self limiting thickness of one layer of a molecule. Claims 8–14, finally, depend from claim 7, and thus inherit this limitation as well.

The Office Action rejects claims 1–3, 6, 8–9 and 13 under 35 U.S.C. § 103(a) as unpatentable over Kurano in view of Feng et al., U.S. Pat. Appln. No. 10/434,949 (Feng). (Office Action, ¶ 7.) The Office Action rejects claims 5, 7, 11, 12 and 14 under 35 U.S.C. § 103(a) as unpatentable over Kurano in view of Feng and Koka et al., U.S. Pat. No. 5,781,377 (Koka). (Office Action, ¶ 8.)

Feng is a pending patent application filed May 8, 2003 and published Nov. 11, 2004. Submitted with this Amendment is a Declaration under 37 C.F.R. § 1.131 by Mehmet Hancer, one of four co-inventors of the present application, establishing conception of the present invention prior to the effective date of Feng, with due diligence from conception until reduction to practice. Feng thus fails to qualify as prior art under 35 U.S.C. § 102(e), and Applicant overcomes the 35 U.S.C. § 103 rejection under M.P.E.P. § 715.01.


The Office Action indicates that claims 4 and 10 contain allowable subject matter. Each and every element of the remaining claims was conceived prior to the filing date of Feng, with due diligence from conception to reduction to practice, as documented in the Declaration under 37 C.F.R. § 1.131. Thus claims 1–3, 5–9, and 11–21 are also allowable.

With this Amendment, claims 1–21 are non-obvious and define over the prior art.
Reconsideration and allowance is requested.

Respectfully submitted,

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